

## II. REMARKS AND CONCLUSION

The Restriction Requirement dated October 22, 2007, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1-10 and 12-14 have been amended, and claim 11 has been canceled. Support for the amendments can be found in the specification and claims as originally filed. For example, claims 1-10 have been amended to change the "use" claims to "method of use" claims and to conform to U.S. patent practice. Claims 12-14 have been amended to depend from claim 1. As such, Applicants submit that no new matter has been added. Applicants respectfully request reconsideration and withdrawal of all rejections.

The Office Action contains a Restriction Requirement under 35 USC §121 and 372. The Examiner has stated that Applicants are required to elect one of the following groups of claims for prosecution in this application:

- I. Claims 1-10, drawn to the use of an  $\alpha$ -aminoamide of formula (I); and
- II. Claims 11-14, drawn to a method for the treatment of head pain conditions in a mammal in need thereof comprising administering the mammal a therapeutically effective dose of at least one  $\alpha$ -aminoamide of formula (I).

Applicants hereby provisionally elect Group II. However, Applicants submit that the Restriction Requirement is now rendered moot, as all of the claims are now directed to the invention of Group II, which is "a method for the treatment of head pain conditions in a mammal in need thereof comprising administering to the mammal a therapeutically effective dose of at least one  $\alpha$ -aminoamide of formula (I)." Applicants submit that all pending claims, claims 1-10 and 12-14 are directed to the invention of Group II.

The Election of Species Requirement asserted that the Applicants are required to elect one species of the generic invention, in particular, a specific compound from the generic compound illustrated in claim 1. In response to the Election of Species Requirement, Applicants hereby elect 2-[4-(2-fluorobenzyloxy)benzylamino]-propanamide.

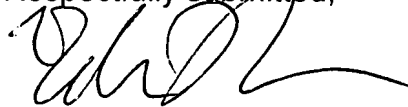
Applicants traverse the Election of Species Requirement and respectfully disagree with the Examiner's assertion that "each compound is assumed to be a

patentably distinct invention, in the absence of evidence to the contrary" (Office Action, page 5, paragraph 2). Rather, Applicants submit that the individual compounds of formula (I) are not patentably distinct, as the compounds all have "analgesic activity..., in particular against chronic and neuropathic pain in mammals" (specification, page 7, lines 13-15).

In view of the Applicants' above elections, Applicants respectfully submit that the Restriction Requirement and the Election of Species Requirement have been satisfied. Applicants submit that claims 1-10 and 12-14 read on the elected invention and the elected species. Accordingly, Applicants respectfully request examination of claims 1-10 and 12-14 on the merits.

Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account Number 01-2300, referencing Attorney Docket Number 108942-00006.

Respectfully submitted,



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